

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 19-CR-0942 WJ

RUBEN CANDIDO PADILLA,

Defendant.

**SENTENCING MEMORANDUM**

Comes now Defendant, through undersigned counsel, and provides this Court with this memorandum concerning his sentencing. Defendant states:

1. Mr. Padilla respectfully asks that this Court sentence him in accordance with the Plea Agreement in this case: to a term of imprisonment of forty-eight (48) months.

2. On August 18, 2020, Mr. Padilla entered into a Plea Agreement with the Government, wherein he pled guilty to Count 4 of the superseding indictment, charging a violation of 18 U.S.C. 922(g)(1) and 18 U.S.C. 924(a)(2), Felon in Possession of Ammunition. Doc. 58. The parties agreed, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), that a specific sentence of forty-eight (48) months imprisonment would be the appropriate disposition of this case. Doc. 58, at 5.

3. The Presentence Investigation Report (PSR) disclosed on October 21, 2020, Doc. 61, provides extensive details about Mr. Padilla's criminal history and personal background.

4. The PSR calculates Defendant's offense level as 32, PSR at ¶ 41, and his criminal history category as V, *Id.*, at ¶ 56. This would yield a Guideline sentence of 120 months, absent the provisions of the Plea Agreement. *Id.*, at ¶ 99.

5. Defendant acknowledges the serious nature of his criminal conduct, and the harms he has caused. As noted in the PSR, however, Defendant has suffered from disadvantages

through out the course of his life, including Bipolar Disorder, Attention Deficit Hyperactivity Disorder (ADHD), and Post Traumatic Stress Disorder (PTSD). PSR at ¶ 84. He was never able to complete his high school education because of a learning disability. *Id.*, at ¶ 92.

6. Mr. Padilla's mental health and substance abuse problems lie at the core of his criminal history. The PSR correctly notes that at those times that he has attended counseling, he has shown "significant progress." *Id.*, at ¶ 90.

7. Mr. Padilla now wishes to put his criminal conduct behind him and "make a life for himself and his family and move out of state," upon completion of his sentence. *Id.*, at ¶ 76

8. Mr. Padilla submits that the Office of the United States Attorney has entered into the Plea Agreement in this case in full awareness of the strength of the Government's evidence, as well as the factors enunciated in 18 U.S.C. 3553(a). Counsel for the Government – with a deep knowledge of the evidence and Defendant's history – has agreed that the interests of the United States would be vindicated by the imposition of the agreed-upon sentence of forty-eight (48) months imprisonment. Defendant asks this Court to accept this agreement and impose sentence accordingly.

9. Mr. Padilla also respectfully requests that this Court recommend his participation in the BOP's 500-hour substance abuse treatment program.

WHEREFORE, Defendant respectfully asks this Court sentence him in accordance with the recommendation of the Government in this case: to a term of imprisonment of forty-eight (48) months.

I hereby certify that I caused  
a copy of the foregoing to be  
served on the office of the United States  
Attorney, on November 2, 2020.

**Electronically filed**  
Counsel for Defendant

Respectfully submitted,

***Electronically filed***

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